

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GLENN M. DAVIS,

Plaintiff,

v.

STATE OF WISCONSIN, *et al.*,

Defendants.

ORDER

13-cv-332-wmc

Plaintiff Glenn Davis, a prisoner at the Milwaukee Secure Detention Facility in Milwaukee, Wisconsin, has submitted a pleading he calls “Notice of Motion and Motion of Demand for New Trial.” In his motion, plaintiff appears to be alleging that he was denied access to the courts when his glasses were taken from him and not returned until after his appeal time had expired. Plaintiff has neither paid the \$350 filing fee for filing a civil action nor submitted a request for leave to proceed *in forma pauperis*.

Before this court can entertain plaintiff’s claims, he will have to file a complaint pursuant to 42 U.S.C. § 1983, setting out the facts underlying his claim that he is entitled to relief in this court and identifying in the caption of the complaint all of the persons he intends to sue. To assist plaintiff, the court’s forms for filing a civil lawsuit are enclosed with this order.

In addition, because he is a prisoner, plaintiff is subject to the 1996 Prison Litigation Reform Act. This means that before the court will review the merits of any complaint he files, he must pay an initial partial payment of the \$350 fee for filing his complaint which has been calculated from his trust fund account statement according to a formula described in 28 U.S.C. § 1915(b). Plaintiff’s initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement with his pleading.

Plaintiff submitted his filing on May 6, 2013. His trust fund account statement should cover the six-month period beginning approximately November 6, 2012 and ending approximately May 6, 2013. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2). Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send a copy of plaintiff's six-month trust fund account statement to this court.

ORDER

IT IS ORDERED that plaintiff Glenn Davis may have until June 14, 2013, in which to submit a complaint on the form provided with this order along with a certified copy of his trust fund account statement for the period beginning approximately November 6, 2012 and ending approximately May 6, 2013. If, by June 14, 2013, plaintiff fails to respond to this order, the court will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Entered this 16th day of May, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge